



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Ninos Shiba
DOCKET NO.: 22-32189.001-R-1
PARCEL NO.: 02-23-206-004-0000

The parties of record before the Property Tax Appeal Board are Ninos Shiba, the appellant(s); and the Cook County Board of Review.

32189

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$4,500
IMPR.: \$13,500
TOTAL: \$18,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

Appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2022 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a single-family, 1.5-story dwelling of frame and masonry construction containing 896 square feet of living area. As of the instant lien date the subject was approximately 71 years old. The home has a full unfinished basement. The subject has a 7,500 square foot site and is in Palatine, Palatine Township, Cook County. The subject is classified as a class 2-02 property under the Cook County Real Property Assessment Classification Ordinance.

Appellant's appeal is based on overvaluation, based on the recent sale of the subject.

Appellant presented evidence of the May 20, 2022 purchase of the subject for \$180,000. Appellant provided the settlement statement and the multiple listing service (MLS) listing. The settlement statement confirms the settlement date of May 20, 2022 for a sale price of \$180,000. The seller is listed as Julia A. Bazzoni, and the buyer is listed as Ninos Shiba. In the petition Appellant contends that the transfer was not between family members or related corporations. Appellant also contends

that the subject was advertised for sale with the assistance of a realtor for four years. And Appellant claims the subject was not sold due to a foreclosure action.

The Cook County Board of Review (BOR) submitted its “Board of Review Notes on Appeal” wherein the subject’s final assessment of \$23,000 was disclosed. This assessment reflects a market value of \$230,000 using the Cook County Real Property Classification Ordinance for Class 2 property of 10%. The subject's assessment reflects a market value of \$256.70 per square foot of living area, including land.

The BOR submitted four sales comparables in support of its final assessment. The properties are described as one-story dwellings. All BOR comparables share the same neighborhood code as the subject, all located in the same subarea as the subject. Three are masonry construction, and one is frame-and-masonry. One has air conditioning. As of the lien date the BOR comparables range from 69 to 74 years old. The comparables range from 824 to 960 square feet of building area. The comparables have sites that range from 6,375 to 8,820 square feet of land area. The comparables sold between February 28, 2022 and July 15, 2022 for prices between \$248,250 and \$280,000 or \$260.42 and \$327.67 per square foot of living area, including land. The BOR also listed the sale of the subject on May 26, 2022 for \$180,000 and included the multiple listing service (MLS) printout advertising the subject for sale.

Appellant also submitted rebuttal evidence criticizing the BOR proposed comparables and submitted MLS listing for the BOR comparables in support of these critiques.

Prior to hearing the BOR via email served on Appellant and the Board a supplemental brief in support of the BOR’s argument in this case.

At hearing Appellant Ninos Shiba testified that he purchased the subject after it had been on the market for quite a while and after several rounds of offers.

The BOR representative, John Lartz, testified as to the characteristics of the BOR proposed sales comparables.

Mr. Lartz then testified as to the conditions of the subject sale. Mr. Lartz claimed that the seller was “motivated” as the seller was the trustee for a trust in which the beneficiary had passed away. Mr. Lartz argued that this fact shows the sale of the subject was not at arm’s length. Mr. Lartz also argued that because the sale was for cash, i.e. there was no mortgage, that therefore the subject sale was not at arm’s length.

Mr. Lartz then attempted to refer to the supplemental brief the BOR had emailed the Board and Appellant just prior to hearing. The Administrative Law Judge said that the time to submit rebuttal evidence had passed. . Therefore, the Board will not make the proposed supplemental brief a part of the record as the time to submit further evidence had passed and the BOR did not have leave to supplement the record.

Appellant then argued that the fact of the seller being a trust was irrelevant given the length of time the subject was on the market.

Conclusions of Law

Appellant contends assessment inequity and that the market value of the subject property is not accurately reflected in its assessed valuation as the bases of the appeal.

When market value is the basis of the appeal, the value of the property must be proven by a preponderance of the evidence. 86 Ill. Admin. Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales, or construction costs. 86 Ill. Admin. Code §1910.65(c). The Board finds Appellant did meet this burden of proof, and a reduction in the subject's assessment is warranted.

Illinois law provides that "fair cash value" is "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." 35 ILCS 200/1-50. This is also the definition of a sale made "at arm's length." *Calumet Transfer, LLC v. Property Tax Appeal Bd.*, 929 N.E. 2d 139, 140 (1st Dist. 2010). The court in *Calumet Transfer* held that "fair cash value" is synonymous with "fair market value" and that the "best evidence of fair cash value is an arm's-length sale." *Id.* at 142.

Arm's length is defined as: "Of or relating to dealings between two parties who are not related or not on close terms and who are presume to have roughly equal bargaining power; not involving a confidential relationship." Black's Law Dictionary 103, (7th Ed. 1999).

"[A] contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash value but would be practically conclusive on the issue of whether an assessment was at full value." *Bloomington Public Schools v. Illinois Property Tax Appeal Board*, 379 Ill. App. 3d 387,392 (4th Dist. 2008) citing *People ex rel v. Korzen v. Belt Ry. Co. of Chicago*, 37 Ill. 2d 158, 161 Ill. 1967).

The Board finds the best evidence of market value to be the recent purchase of the subject. The evidence shows that about five months after the lien date the subject was purchased for \$180,000. The seller and buyer were not related parties, and the subject was listed on the open market for four years. This Board finds Appellant has proven that the instant sale meets all the essential elements of an arm's-length transaction.

Based on this record, the Board finds that Appellant has proven, by a preponderance of the evidence, that the subject is overvalued. The Board finds the subject property had a market value of \$180,000 as of January 1, 2022. Since market value has been established, the 2022 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. The Board finds that after this reduction for market value, the subject's assessment is equitable.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman

Member

Member

Member

Member

Member

Member

Member

Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: _____

July 15, 2025

Clerk of the Property Tax Appeal Board

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

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